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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Schmidt

Application No.: 09/973,621

Filed: 10/9/2001

Examiner: DINKINS, ANTHONY ~~SEARCHED~~

Art Unit: 2831

MAY 17 2004

OFFICE OF PATENTS

**RESPONSE TO OFFICE ACTION**

Box DAC  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sirs:

Applicants petition to revive the above-identified application under 37 CFR §1.137(b). The application was unintentionally abandoned for failure to respond to the U.S. Patent and Trademark Office Action dated 1-17-2003.

The entire delay, including the delay from the date of discovery of the abandonment of the application through the date of this Petition, was unintentional.

The proposed response in the form of a response is forwarded with this Petition.

A check for \$650 for Petition Fee is enclosed. Please charge any required small entity fees to Deposit Account 501861.

Respectfully submitted,

  
Bae Tran  
Reg. No. 37,955

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OFF

**RESPONSE TO OFFICE ACTION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sirs:

The Office Action rejected claims 1-5 under Section 102(b) as anticipated by Cohen (5,270,251). Claim 6 was rejected as unpatentable over Cohen. As discussed below, Applicant submits that all claims are patentable over Cohen. Withdrawal of the Section 102 and 103 rejections is respectfully requested.

**The Section 102 Rejection**

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohen.

The Office Action noted as follows:

Regarding claim 1, Cohen discloses Fig. 1 a silicon capacitor having a metal portion (16) on the substrate (12); a silicon nitride (SiN) (23) portion sputtered on the substrate (12); and a silicon (Si) (22) portion sputtered on the silicon nitride (23) portion. Regarding claim 2, wherein the silicon nitride decreases leakage. Because Cohen possesses the claimed features of claim 1, then the characteristics of claim 2 would be met as it relates to the silicon nitride decreasing the leakage. Regarding claim 3, wherein a silicon nitride portion (25). Regarding claim 4, wherein the capacitor includes a second metal portion (20). Regarding claim 5, wherein the capacitor being formed by the claimed process limitation in articles